

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**SAV-RX, LLC, a Nebraska Limited
Liability Company,**

Plaintiff,

v.

JOHN WICHMANN,

Defendants.

CASE NO: 8:07CV419

ORDER

This matter is before the Court on the Motion for Default Judgment filed by Plaintiff Sav-Rx LLC, ("Sav-Rx") (Filing No. 44) and the Court's order granting the Motion for Default Judgment (Filing No. 49). When the Court granted Sav-Rx's Motion for Default Judgment, the Court ordered Sav-Rx to schedule an evidentiary hearing to explain its entitlement to its requested statutory damages in the amount of \$300,000.00, plus costs and fees. (Filing No. 49). Sav-Rx scheduled the evidentiary hearing for April 13, 2009. (Filing No. 50). On February 25, 2009, however, Sav-Rx submitted a Supplemental Brief in Support of Motion for Default Judgment and Award of Statutory Damages of \$300,000.00 (Filing No. 51) to clarify its request for damages and obviate the need for an evidentiary hearing.

The Court has reviewed Sav-Rx's Supplemental Brief and its prior submissions regarding damages and is satisfied that Sav-Rx is entitled to the relief requested pursuant to 17 U.S.C. § 1117(c)(2) and 15 U.S.C. § 1117(d). Defendant John Wichmann has failed to file an Answer or otherwise defend in a timely fashion, and a Default Judgment is therefore appropriate without the need for further evidentiary submissions or argument.

ACCORDINGLY,

IT IS ORDERED:

1. Defendant Wichmann is in default, and Default Judgment is entered against Defendant Wichmann, as follows:
 - a. Judgment in favor of Sav-Rx and against Defendant Wichmann in the amount of \$300,000.00, pursuant to 15 U.S.C. § 1117(c)(2) and 15 U.S.C. § 1117(d);
 - b. A permanent injunction prohibiting Defendant Wichmann, his agents, servants, employees and/or all persons acting in concert or participation with him, from: (i) using Plaintiff's service mark or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, symbols, phrases or designs, in commerce or in connection with any business or for any other purpose, including, but not limited to, on websites and in domain names; and (ii) registering, owning, leasing, selling, or trafficking in any domain names containing Plaintiff's service mark or confusingly similar variations thereof, alone or in combination with any other letters, words, letter strings, symbols, phrases or designs;
 - c. The domain name "sav-rx.com" shall be transferred to Sav-Rx;
 - d. Attorneys' Fees in the amount of \$22,706.50;
 - e. Interest at the federal post-judgment interest rate of .70% per annum from the date of judgment until paid in full;
 - f. The costs of bringing this action in the amount of \$816.06; and

2. The evidentiary hearing scheduled for April 13, 2009 (Filing No. 50) is canceled.

DATED this 16th day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge